

## REMARKS

Applicants thank the Examiner for the indication that claims 2-7, 14-20, 38-43, and 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3-13, 15-37, 39-46, and 48-53 are pending in the application. Claims 1, 9, 21, 24, 31, 37, 46, and 51 are independent. By the foregoing Amendment, Applicants have amended claims 1, 3, 4, 6, 7, 9, 15, 16, 18-20, 37, 39, 40, 42, 43, and 46 and canceled claims 2, 14, 38, and 47. Claims 21-36 and 51-53 have been withdrawn from consideration. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Elections/Restrictions

In paragraph 1 of the Office Action, the Examiner made a Restriction Requirement and in paragraph 7 requested that Applicants affirm the provisional election made of Group I, claims 1-20 and 37-50. Applicants affirm the election of Group I, claims 1-20 and 37-50 without traverse.

### Rejection of Claims 1, 8, 37, and 44-45 Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 8, 37, and 44-45 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,690,459 B2 to Bruns (hereinafter "Bruns"). A claim is anticipated only if each and every element of the claim is found in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection.

Although Applicants believe that claims 1 and 37 are patentable as written, Applicants have amended claim 1 to incorporate the subject matter of claim 2, which the Examiner indicated would be allowable if rewritten in independent form, and 37 to incorporate the subject matter of claim 38, which the Examiner also indicated would be allowable if rewritten in independent form. Applicants respectfully submit therefore that claims 1 and 37 are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1 and 37.

Applicants respectfully submit that claim 8 properly depends from patentable claim 1 and that claims 44-45 properly depend from patentable claim 37. Claims 8 and 44-45 thus are patentable over Bruns as well. (MPEP §2143.03.) Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 8 and 44-45.

Rejection of Claims 9-13, 46, and 48-50 Under 35 U.S.C. §103(a)

The Examiner rejected claims 9-13, 46, and 48-50 under 35 U.S.C. § 103(a) as obvious over Bruns. To establish a *prima facie* case of obviousness, an Examiner must show three things (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention and (2) that the references teach or suggest each and every element of the claimed invention, and (3) that there is a reasonable expectation of success (MPEP §2143). Applicants respectfully traverse the rejection.

Although Applicants believe that claims 9 and 46 are patentable as written, Applicants have amended claim 9 to incorporate the subject matter of claim 14, which the Examiner indicated would be allowable if rewritten in independent form, and 46 to incorporate the subject matter of claim 47, which the Examiner also indicated would be allowable if rewritten in independent form. Applicants respectfully submit therefore that claims 9 and 46 are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 9 and 46.

Applicants respectfully submit that claims 10-13 properly depends from patentable claim 9 and that claims 48-50 properly depend from patentable claim 46. Claims 9 and 48-50 thus are patentable over Bruns as well. (MPEP §2143.03.) Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 9 and 48-50.

## CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application should now be in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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